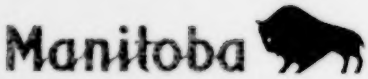
Law Reform Commission

Thirty-Seventh Annual Report 2007-2008

Manitoba
Law Reform
Commission



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THIRTY-SEVENTH ANNUAL REPORT

2007-2008

March 31, 2008

The Manitoba Law Reform Commission was established by *The Law Reform Commission Act* in 1970 and began functioning in 1971.

Commissioners:

Cameron Harvey, Q.C., President
John C. Irvine
Hon. Mr. Gerald O. Jewers
Alice R. Krueger
Hon. Mr. Justice Perry W. Schulman

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The Department of Justice, Government of Manitoba

and

The Manitoba Law Foundation

Copies of the Commission's Reports may be ordered from the Publications Branch, Office of the Queen's Printer, 200 Vaughan Street, Winnipeg, MB R3C 1T5; however, some of the Commission's Reports are no longer in print.

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THE COMMISSION'S MANDATE

The Manitoba Law Reform Commission is an independent agency of the Government of Manitoba established by *The Law Reform Commission Act*. The Commission's duties are to inquire into and consider any matter relating to law in Manitoba with a view to making recommendations for the improvement, modernization and reform of law, including:

- the removal of provisions of the law that are outdated or inconsistent;
- the maintenance and improvement of the administration of justice;
- the review of judicial and quasi-judicial procedures under any Act;
- the development of new approaches to, and new concepts of, law in keeping with and responsive to the changing needs of society and of individual members of society; and
- any subject referred to it by the Minister.

MANDAT DE LA COMMISSION

La Commission de réforme du droit du Manitoba est un organisme indépendant du gouvernement du Manitoba, établi en vertu de la *Loi sur la Commission de réforme du droit*. La Commission a pour fonctions de faire enquête sur les questions se rapportant au droit manitobain et de les étudier en vue de faire des recommandations pour améliorer, moderniser et réformer le droit, et notamment en vue:

- de supprimer les dispositions du droit qui sont désuètes ou incompatibles;
- de soutenir et d'améliorer l'administration de la justice;
- d'examiner les procédures judiciaires et quasi-judiciaires prévues par une loi quelconque;
- d'élaborer de nouvelles méthodes et de nouveaux concepts de droit correspondant à l'évolution des besoins de la société et des individus qui la composent;
- de traiter tout autre sujet que le ministre lui soumet.

PART I

INTRODUCTION

Through 2007-2008, the Manitoba Law Reform Commission has continued to strive for improvement of the laws in Manitoba. This was a year of consolidation, and renewal; although the Commission did not issue a report in 2007-2008, we are currently in the process of completing six reports which will be issued in 2008-2009.

The Honourable Mr. Gerald O. Jewers retired from the Court of Queen's Bench on May 19, 2007. Despite his retirement from the Bench, the Manitoba Law Reform Commission is very pleased to report that the Honourable Mr. Gerald O. Jewers has graciously agreed to remain with us as a member of the Commission, and we will continue to benefit from his experience and insight.

On July 25, 2007, the Manitoba Law Reform Commission also welcomed the Honourable Mr. Justice Perry W. Schulman, who joined the Commission as the Court of Queen's Bench representative. Mr. Justice Schulman graduated from the University of Manitoba in 1963, obtained his LL.M. in 1970, and engaged in a general law practice until his appointment to the Bench in 1993. Mr. Justice Schulman has maintained a varied and distinguished career. He has been a member of the Human Rights Tribunal of Canada, a part-time lecturer at the University of Manitoba Faculty of Law, Director of the Manitoba Institute of Continuing Legal Education and Assistant Director of the Bar Admission Course. In the course of his law practice, he chaired numerous labour arbitration boards and served on an expedited arbitration panel under the *Labour Relations Act of Manitoba*, and was appointed an adjudicator under the *Canada Labour Code*. Mr. Justice Schulman also served as one of co-counsel to the Aboriginal Justice Inquiry of Manitoba and as an instructor for the Arbitration Training Programme of the Department of Labour and the Arbitration and Mediation Institute of Manitoba Level II course. Since his appointment to the Bench, Mr. Justice Schulman was the Commissioner of an Inquiry into the deaths of Rhonda and Roy Lavoie and has actively participated in the Court's judicially-assisted dispute resolution process. We consider ourselves very fortunate to have Mr. Justice Schulman as a member of the Commission.

The Manitoba Law Reform Commission regrets to report that Kathleen Murphy, a practising lawyer with the Winnipeg firm Thompson Dorfman Sweatman LLP, submitted her resignation from the Commission for personal reasons, effective March 7, 2008. The former Minister of Justice and Attorney General, the Honourable Gord Mackintosh, appointed Ms Murphy as a member of the Commission in May, 2000. Ms Murphy's input into a number of Commission reports over the years has been insightful and judicious and the Commission will truly miss Ms Murphy's expertise, legal knowledge and wisdom. She has made a valuable contribution to law reform in Manitoba.

PART II

THE YEAR IN REVIEW
April 1, 2007 to March 31, 2008

1. REPORTS ISSUED

As noted in the introduction, 2007-2008 was a year of consolidation and renewal for the Manitoba Law Reform Commission. The Commission has spent considerable time recently reviewing potential law reform projects that had been deferred in previous years, along with a number of suggestions for new projects received from members of the public, legal practitioners and members of the University of Manitoba Faculty of Law. The Commission identified its priorities for upcoming projects and work is well underway on several of these issues. No reports were issued in 2007-2008, but the Commission is currently in the process of completing six reports that we expect to release in 2008-2009.

2. IMPLEMENTATION

As we noted in our Annual Report of 2005-2006, we continue to urge the Minister of Justice to implement the many outstanding recommendations of the Commission. We regard the implementation of our recommendations as a very important part of our overall function. Areas of particular concern to the Commission are the recommendations relating to: *Wills and Succession Legislation* (Report #108, 2003), *Compensation for Vaccine-Damaged Children* (Report #104, 2000), *Informal Assessment of Competence* (Report #102, 1999), *Trustee Investments: The Modern Portfolio Theory* (Report #101, 1999) and *Confidentiality of Mediation Proceedings* (Report #94, 1996).

3. CURRENT PROJECTS

A. Franchise Law

The Manitoba Law Reform Commission's project on franchise law considers whether legislation to regulate franchising should be enacted in Manitoba. The Commission received a suggestion in January 2006 that a review of possible reforms to franchise law in Manitoba would be valuable. As well, there has been occasional media attention focusing on the inequality between franchisors and franchisees and recently, on alleged franchising frauds in Manitoba. In recent years, four provinces and several countries have enacted new or revised franchise legislation. The Commission agreed to undertake the project when its schedule permitted.

In May 2007, the Commission issued a Consultation Paper on Franchise Law, which provided an introduction to the history and various models of franchising, an overview of existing franchise regulation in Canada and other countries and a comparison of the elements of Canadian legislative regimes. The Paper asked whether franchise legislation is needed in Manitoba, and if so, what elements should be included in the legislation.

The Commission received a number of helpful submissions in response to the Consultation Paper, from franchisees, franchisors and franchise law practitioners. Also in response to the Consultation Paper, the Marcel A. Desautels Centre for Private Enterprise and the Law and the Asper Chair of International Business and Trade Law at the University of Manitoba Law School hosted a Franchise Law Symposium, held in Winnipeg on March 14, 2008. The President of the Commission, Professor Cameron Harvey, and legal counsel, Darlene Jonsson, attended the Symposium. The Symposium was well attended, resulting in a helpful exchange of ideas and views on franchise law, which was of assistance to the Commission in fine tuning its final report.

The Commission is currently finalizing its Report on Franchise Law and expects its release by the summer of 2008.

B. Enduring Powers of Attorney: WCLRA Report

The *Enduring Powers of Attorney Report* is a joint project of the Alberta Law Reform Institute, the British Columbia Law Institute, the Manitoba Law Reform Commission and the Law Reform Commission of Saskatchewan (the Western Canadian Law Reform Agencies, or WCLRA). The WCLRA felt that it was timely in all four jurisdictions to consider harmonization of legislative provisions dealing with the exercise of a power of attorney when the person who conferred the power loses the mental capacity to manage his or her own affairs (the enduring power of attorney).

The WCLRA issued a Consultation Paper in April 2004 entitled *Enduring Powers of Attorney: Areas of Reform*. The Paper recognized that the enduring power of attorney is a useful planning tool for many Canadians, and that reform initiatives must take into account the need to minimize complexity and costliness, keeping the enduring power of attorney as simple, private and user friendly as possible. It addressed problems that have arisen in relation to the use of enduring powers of attorney, including formal requirements and extra-provincial recognition, duties of attorneys and safeguards against misuse. These issues are especially problematic for the donor of an enduring power of attorney who has become incapable.

Written responses to the Consultation Paper were received by the participating agencies. Following the close of consultations, the WCLRA working group formulated policy recommendations aimed at resolving problems described in the Consultation Paper or identified in the consultation process. Working group members also consulted the legal profession, government bodies and the public and conducted focus groups in their respective provinces seeking the input of persons and organizations with expertise in dealing with enduring powers of attorney. The resulting

policy recommendations were finalized by the working group and presented at the first conference of the Canadian Centre for Elder Law Studies in October 2005, in Vancouver, B.C.

The Alberta Law Institute prepared the draft final *Enduring Powers of Attorney Report* which was provided to the WCLRA in the summer of 2007. Over the next few months, the WCLRA members provided comments and suggested revisions. In February 2008, the working group met again by teleconference call to discuss the comments and finalize the report and its recommendations. The report deals with issues surrounding enduring powers of attorney in four main areas: the formal requirements, the recognition of enduring powers of attorney, the duties of attorneys, and safeguards against the misuse of enduring powers of attorney. The WCLRA *Enduring Powers of Attorney Report* is expected to be released in the summer of 2008.

C. Enduring Powers of Attorney: Supplementary Report

As noted above, the WCLRA *Enduring Powers of Attorney Report* deals with four concepts in relation to enduring powers of attorney – their formal requirements, extra-provincial recognition, attorney duties and safeguards against misuse. The WCLRA Report will make recommendations for the western provinces in each of these areas. However, apart from these provisions, each jurisdiction remains free to address other matters in its enduring powers of attorney legislation individually, as it sees fit. It is not proposed that the statutes dealing with enduring powers of attorney will be identical in all ways.

The Manitoba Law Reform Commission is taking this opportunity to review additional provisions governing ordinary, springing and enduring powers of attorney in *The Powers of Attorney Act*. The Commission is working on a supplementary report that will identify the sections of the Manitoba Act that are affected by the recommendations in the WCLRA Report, and make recommendations for reform in other areas not addressed by the WCLRA. Matters under consideration include provisions to clarify the requirements for a springing power of attorney, to enable a notation respecting an enduring power of attorney to be made on a title to land, to address attorney eligibility, to protect beneficiaries under the donor's will, to deal with matters such as termination and renunciation and to address the jurisdiction of the court to make orders upon application. The Commission expects to release its report in the summer of 2008 along with the WCLRA *Enduring Powers of Attorney Report*.

D. Mandatory Arbitration Clauses and Consumer Class Proceedings

Another report the Commission is in the midst of completing is a report entitled *Mandatory Arbitration Clauses and Consumer Class Proceedings*. This report examines mandatory arbitration clauses in consumer contracts that purport to bar consumers from commencing court actions, including class proceedings. The Commission considers whether legislative reform is necessary to ensure that consumers in Manitoba are provided with adequate protection. It is expected that the final version will be completed by the middle of April and will be ready to be released by June 2008.

E. Review of Defamation Law Respecting Journalism

The Commission is currently engaged in a review of defamation law respecting journalism, with particular emphasis on publications concerning matters of public interest. In recent years, some common law jurisdictions have extended the defence of qualified privilege to the communications media, in certain circumstances, for publications regarding matters of general public interest. Subsequent to the commencement of this project, the Ontario Court of Appeal released the decision of *Cusson v Quan* 2007 ONCA 771, which recognized the availability of a "public interest responsible journalism" defence to the communications media, where particular standards of responsible journalism have been observed. Leave to Appeal has recently been granted by the Supreme Court of Canada.

Some of the issues under consideration by the Commission include defences that are available to the communications media for the tort of defamation and whether law reform is required in Manitoba to adequately defend and encourage critical journalism of issues of public concern and interest.

As part of the research phase of this project, a consultation letter was distributed to Winnipeg law firms, Canadian law professors and media associations, outlining some of the issues under consideration and inviting comments. The Commission is currently in the process of reviewing submissions, and will then consider possible recommendations for statutory reform.

F. *The Limitations of Actions Act*

The Commission has retained a consultant, Jonathan Penner, who is studying the implications for Manitoba of recent reform initiatives in other jurisdictions. The law of limitations has traditionally contained many complexities and ambiguities, leading to unfairness, but it is a subject that rarely captures the attention of legislators. Manitoba's *Limitations of Actions Act* was amended in 1967, 1980 and 2002, but in essence it is still very much the same legislation that was enacted in 1931, and is based on the same principles as the original English limitations legislation, much of which dates back to the 17th century.

In recent years several Canadian jurisdictions have enacted, and the Uniform Law Conference has proposed, legislation that simplifies and rationalizes the law of limitations. The Commission is reviewing developments in other jurisdictions, including reform in relation to both personal and real property matters, and will consider recommendations as to whether and how Manitoba should modernize its legislation. The Commission expects to issue its report later this year.

G. Waivers of Liability for Sporting and Recreational Activities

The Manitoba Law Reform Commission retained a consultant, Professor Philip H. Osborne of the University of Manitoba Faculty of Law, to conduct research and prepare a draft report

concerning the use of waivers of liability by the providers of sporting and recreational activities. The review addresses the use of written contractual waivers (including waivers on tickets and signs) by both commercial and non-profit providers of sporting and recreational activities.

A waiver of liability is a contractual document designed to free a person from his common law duty of care to another – its intent is to negate the civil liability of the provider for the personal injury or death of a consumer caused by the provider's negligence or other misconduct. The objective is to provide immunity from tort liability so that a person who is injured as a consequence of negligence or reckless behaviour has no recourse.

The Commission is conducting research in this area, recognizing that frequently, members of the public may not understand such waivers or are required to sign them to secure entry to a wide range of recreational and sporting activities. Legislative reform in the United Kingdom, for example, declares such waivers to be void when relied on by commercial service providers. The project touches on negligence law, occupiers' liability, contract and insurance matters.

Professor Osborne prepared a draft report for the Commission outlining developments in the case law with respect to waivers. In March 2008, the Commission sent a short survey to recreational, sport and charitable organizations seeking information relating to the use of waivers and whether a restriction on the use of waivers would affect the availability or cost of liability insurance. The Commission also sought comments from insurers and from lawyers who practise in these areas. Responses were requested by April 30, 2008, and the Commission expects to issue a final report later this year or early 2009.

H. Divorced Spouses Survivors' Pension Benefits

The Manitoba Law Reform Commission is currently carrying out research with respect to a possible gap in the law in Manitoba relating to the division of pension benefits between divorced spouses. Where one spouse has contributed to a pension plan, the benefits of the plan, usually a future pension income, generally must be divided between the spouses. Usually one half of the part of the pension that is attributable to the contributions made during marriage is transferred. However, this covers only the pension payable during the contributing spouse's lifetime; it does not cover any survivor's benefits. A divorced spouse, who would have had an expectation of security in later years from his or her spouse's pension or from a surviving spouse's pension, has no entitlement to a survivor's benefit. Arguably, this economic disadvantage should be taken into account along with the other circumstances of the parties.

The Commission has begun research on this issue and will be considering possible recommendations in the upcoming months.

4. UPDATES

Following the Commission's report, *Withholding or Withdrawing Life Sustaining Medical Treatment* (Report #109), the Commission met with General Counsel to the College of Physicians and Surgeons, Lynne Arnason, and Dr. Perry Gray, Vice-President, Chief Medical Officer and Head of the Surgical Intensive Care Unit, Health Sciences Centre, to provide our comments on successive drafts of the College's proposed Statement on Withholding and Withdrawing Life-Sustaining Treatment. The College released its final Statement on Withholding and Withdrawing Life-Sustaining Treatment on January 30, 2008, with which the Commission concurred. The Statement took effect on February 1, 2008 and is binding on all Manitoba physicians.

The Commission also carried out research on three potential projects. The first was brought to the Commission's attention by a private practitioner, who suggested that *The Builders' Liens Act* could be amended to confer jurisdiction on the Small Claims Court to vacate builders' liens. The Commission conducted research and canvassed a number of practitioners for their comments on the proposal, and after consideration, decided not to initiate a project on the matter. A lien may protect other lien claimants, who may be prejudiced if the lien is vacated in Small Claims Court. As well, a person with an interest in the land has recourse to existing mechanisms under the Act to require an action to be commenced or the lien vacated. These existing mechanisms are not too cumbersome or onerous.

The second project related to animal cruelty. In response to recent news reports and concerns that Ontario's animal welfare legislation is inadequate and in need of reform, the Commission considered whether the current legislation in Manitoba adequately deals with animal cruelty issues. The Commission issued a report in 1993 entitled *Animal Protection* (Report #93), which was followed by the enactment of *The Animal Care Act*. The Commission reviewed *The Animal Care Act* and the *Animal Care Regulation* and determined that the governing legislation in Manitoba is more comprehensive than in Ontario, and that a further project by the Commission related to this issue is not necessary.

The third project relates to presumed consent for organ donation. The Commission issued a report on organ donation in 1986 (*The Human Tissue Act*, Report #66). The Commission conducted preliminary research on recent developments in this area and will consider undertaking a project on this issue as our schedule allows.

5. POTENTIAL PROJECTS

The Commission has reviewed the law reform projects that had been deferred in previous years along with a number of suggestions for new projects, and has identified priorities for upcoming projects. The subject areas that we have selected for potential review include the following:

- *The Tortfeasors and Contributory Negligence Act*
- *The Nuisance Act*
- *The Occupiers' Liability Act*
- Doctrine of *caveat emptor* in residential real estate transactions (the Commission is aware that John Neufeld, Q.C., a practising lawyer who teaches Real Estate Transactions at the Faculty of Law, University of Manitoba, has been retained by the Government of Manitoba to prepare a report on this matter)
- Enforcement of judgments registered against land
- Service of documents
- Conflict of laws – torts
- Compensation for loss of dower rights
- *The Trustee Act*
- Neighbouring properties – encroachments
- Presumption of advancement
- Obsolete statutes
- Commercial tenancies
- Presumed consent for organ donation
- Intestate heir rights for posthumously conceived children

The Commission welcomes comments and suggestions with respect to these subject areas, as well as in relation to other projects that may be appropriate for review.

PART III

ADMINISTRATION

1. THE COMMISSIONERS

The current members of the Commission and their terms of office are as follows:

Commissioner	Affiliation	Term expires
Cameron Harvey, Q.C.	Professor Emeritus, Faculty of Law University of Manitoba	June 21, 2009
John C. Irvine	Professor, Faculty of Law University of Manitoba	August 20, 2009
Gerald O. Jewers	Justice, Court of Queen's Bench (retired)	June 21, 2009
Alice R. Krueger	Lay member	June 21, 2009
Perry W. Schulman	Justice, Court of Queen's Bench	July 25, 2010

Unfortunately, Ms Kathleen Murphy, the Commission's practising lawyer Commissioner, resigned effective March 7, 2008, for personal reasons. Members of the Manitoba Law Reform Commission will truly miss her and will have a difficult task filling her shoes. The Commission wishes her well.

The Commission welcomed a new representative from the Court of Queen's Bench, joining the Commission upon the retirement of the Honourable Mr. Gerald O. Jewers. The Honourable Mr. Justice Perry W. Schulman, joined the Manitoba Law Reform Commission on July 25, 2007.

During the past year, the Commission held 11 regular meetings. As noted previously, members of the Commission also met with General Counsel to the College of Physicians and Surgeons, Lynne Arnason, and Dr. Perry Gray, Vice-President, Chief Medical Officer and Head of the Surgical Intensive Care Unit, Health Sciences Centre, on January 8th and May 31st, 2007 to discuss issues concerning their proposed Statement regarding the Withdrawing or Withholding of Life Sustaining Medical Treatment.

2. STAFF

The Commission was pleased to welcome a second legal counsel, Leah Craven, who joined us in June 2007. Leah graduated from the University of Manitoba Faculty of Law in 1995 and was called to the Manitoba Bar in 1996. She received her B.A. (Advanced) from the University of Manitoba in 1992. Prior to joining the Manitoba Law Reform Commission, Leah worked for the City of Winnipeg Legal Services Division providing litigation services, legal advice and legal research, having previously maintained a general litigation practice at a Winnipeg law firm. Leah works for the Commission three days per week.

Currently, the Commission staff consists of Debra Floyd as the Commission's Administrator, Darlene Jonsson and Leah Craven as legal counsel. The office is staffed three days per week.

3. CONSULTANTS

We wish to take this opportunity to again thank Professor Philip Osborne of the Faculty of Law, University of Manitoba, and Jonathan Penner, independent researcher, for their assistance during the past year. Professor Osborne assisted the Commission with its review of the proposed Statement of the College of Physicians and Surgeons of Manitoba on the Withholding or Withdrawing of Life Sustaining Medical Treatment and with the Commission's response to the College. Professor Osborne also prepared a draft report concerning Waivers of Liability for Sporting and Recreational Activities, and assisted the Commission in preparing consultation questions that were sent to sport, recreational and charitable organizations, as well as insurers and legal practitioners, respecting the use of waivers and their relationship to the availability and cost of liability insurance. Mr. Penner is preparing a draft report concerning *The Limitations of Actions Act*, which he will be sending to the Commission for its consideration shortly. Once again, we greatly appreciate their valuable assistance.

4. FINANCE

The Commission is very fortunate to continue to receive a $100,000 grant from the Manitoba Law Foundation. This year the Commission was privileged to receive an additional $20,000 from the Manitoba Law Foundation for the fiscal year 2007-2008, increasing the grant to $120,000. The Department of Justice grant continues to be provided by a combination of in-kind services ($15,000) and a grant ($85,000), for a total of $100,000.

In November, 2007, the Manitoba Law Foundation invited the Commission to apply for a Special Capital Grant which was to be used for the purchase of office furniture and equipment. In March, 2008, the Manitoba Law Foundation generously approved the Commission's request of the grant in the amount of $10,000. The Commission will be able to refurnish the offices with ergonomic workstations, much needed boardroom chairs and office equipment.

We wish to thank both the Department of Justice and the Manitoba Law Foundation for their continued support of our work.

As noted in previous reports, we carry forward a balance of at least $25,000 each year of our grant from the Manitoba Law Foundation, as this last instalment is not received until March 31st each year. This year, with the core grant increase of $20,000 from the Manitoba Law Foundation, our quarterly instalment payments increased to $30,000, totalling a grant of $120,000 for 2007-2008. In addition, a large portion of this year's surplus is due to outstanding consultation fees for current projects, as well as funds which have been designated for printing and distribution costs for the six reports that will be completed in 2008-2009.

5. PUBLIC RELATIONS

Darlene Jonsson and Debra Floyd were invited to participate in the Federation of Law Reform Agencies of Canada Symposium held on June 3-5, 2007. The Atlantic Symposium was primarily funded by a generous contribution from the Alberta Law Reform Institute, and was hosted by the Law Reform Commission of Nova Scotia at the Oceanstone Inn in beautiful Indian Harbour, Nova Scotia. The two day, three session symposium focused on the following themes: Communications, Management and Operational Issues, and Status of Law Reform generally in Canada today. Darlene and Debra found the Symposium very informative and thought provoking, and look forward to the next opportunity to meet with delegates from the Federation of Law Reform Agencies of Canada.

As noted, the Marcel A. Desautels Centre for Private Enterprise and the Law and the Asper Chair of International Business and Trade Law at the University of Manitoba Law School organized a Franchise Law Symposium in response to the Commission's Consultation Paper on Franchise Law. The Symposium was held at the Manitoba Club in Winnipeg on March 14, 2008. The President of the Commission, Professor Cameron Harvey, and legal counsel, Darlene Jonsson, attended the Symposium and Ms Jonsson participated in a panel discussion on franchisor disclosure obligations. The Commission wishes to acknowledge Professor Bryan Schwartz, University of Manitoba Faculty of Law and John Pozios, Director, Marcel A. Desautels Centre for Private Enterprise and the Law, as well as Mr. Leandro Zylberman, a student at the University of Manitoba Faculty of Law for a well organized and informative event.

The Commission has been asked to participate in a Sustained Funding Initiative comprising of representatives from the Alberta Law Reform Institute, the British Columbia Law Institute, the Law Reform Commission of Nova Scotia, the Saskatchewan Law Reform Commission and the Manitoba Law Reform Commission. The purpose of the Sustained Funding Initiative is to explore the establishment of a national law reform sustaining funding organization to support law reform agencies and education relating to law reform.

PART IV

CONCLUSION

We again wish to express our thanks to the Manitoba Law Foundation and to the Department of Justice for their continued support of the work of the Commission.

We wish to thank the staff of the Department of Justice, the Faculty of Law, Provincial Archives and Legislative libraries for their continued assistance over the past year.

We also wish to thank the Deputy Minister, Mr. Ron Perozzo, for his assistance and for providing a liaison between the Commission and the Minister. Finally, we wish to thank the Minister of Justice and Attorney General, the Hon. Dave Chomiak, for his support.

This is a report pursuant to section 15 of *The Law Reform Commission Act*, C.C.S.M. L95, dated this 31st day of March 2008.

(original signed by)
Cameron Harvey, President

(original signed by)
John C. Irvine, Commissioner

(original signed by)
Gerald O. Jewers, Commissioner

(original signed by)
Alice R. Krueger, Commissioner

(original signed by)
Perry W. Schulman, Commissioner

APPENDIX A

Statement of Receipts and Expenditures 2007-2008 Fiscal Year
(000's)

RECEIPTS

Funds carried forward	$ 63.9
Grant from Department of Justice	85.0[1]
Grant from The Manitoba Law Foundation	120.0
Law Society of Manitoba (final instalment for *Private Title Insurance Report*)	10.5[2]
Total	**$279.4**

EXPENDITURES

Commissioners' remuneration and benefits	$45.5
Staff remuneration (part-time)	103.7
Payroll administrative costs	7.6
Consultants	15.0
Telephone, fax, postage, courier	3.6
Supplies and service	0.9
Printing and photocopying	4.5
Computer related expenses	5.2
Meetings, travel and accommodation	0.7
Subscriptions and other operating expenses	0.3
Membership fees	5.0
Total	**$192.0**
Surplus (Deficit)	**$87.4**[3]

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[1] The Province of Manitoba provides the Manitoba Law Reform Commission with an $85,000 grant coupled with $15,000 in-kind services provided by the Department of Justice for accounting services and office accommodation, bringing the total grant from the Province to $100,000.

2 The Law Society of Manitoba's last instalment to the Manitoba Law Reform Commission for the *Private Title Insurance Report*, (Report #114).

3 As noted in previous reports, we carry forward a balance of at least $25,000 each year of our grant from the Manitoba Law Foundation as this last instalment is not received until March 31st each year. This year, with the core grant increase of $20,000 from the Manitoba Law Foundation, our quarterly instalment payments increased to $30,000, totalling a grant of $120,000 for 2007-2008. In addition, a large portion of this year's surplus is due to outstanding consultation fees for current projects, as well as funds which have been designated for printing and distribution costs for the six reports that will be completed in 2008-2009.

APPENDIX B

REPORTS OF THE MANITOBA LAW REFORM COMMISSION AND THEIR IMPLEMENTATION

Report #	Title	Date	Implementation of Commission's Recommendations
#1	Jury Services for Registered Indians	April 7, 1971	An Act to Amend The Jury Act, S.M. 1971, c. 32
#2	Summary Disposition of Builders' and Workmen's Liens	April 13, 1971	An Act to Amend The Builders and Workmen Act, S.M. 1976, c. 22
#3	Disposition of Maintenance Judgments in Land Titles Offices	May 25, 1971	An Act to Amend The Judgments Act, S.M. 1972, c. 4
#4	An Act Respecting Billiard and Pool Rooms proposed repeal	October 19, 1971	The Statute Law Amendment Act (1974), S.M. 1974, c. 59 (s. 8)
#5	Recommended Right of Mortgagors to Obtain Annual Statements	October 19, 1971	An Act to Amend The Mortgage Act, S.M. 1971, c. 28
#6	Enactment of a Mineral Declaratory Act	December 20, 1971	The Sand and Gravel Act, S.M. 1972, c. 34 An Act to Amend The Mines Act, S.M. 1972, c. 70 (s. 11) An Act to Amend The Real Property Act, S.M. 1972, c. 70 (ss. 15 and 16)
#7	Powers of Entry, Search and Seizure in The City of Winnipeg Act	January 24, 1972	An Act to Amend The City of Winnipeg Act, S.M. 1972, c. 93 (ss. 26, 37, 68, 69, 89 and in part ss. 38, 39 and 63)
1A	Auto Engine Numbers in Section 11 of The Bills of Sale Act	May 11, 1971	The Statute Law Amendment Act, S.M. 1972, c. 81 (s. 3)
1B	(a) Prospect of Mortgagor's Relief from Provisions of Section 20(6) of The Mortgage Act (b) Right to Have Mortgage Discharged Upon Payment in Full After Five Years	December 29, 1971 December 29, 1971	(change not recommended) An Act to Amend The Real Property Act, S.M. 1972, c. 37 (s. 103(1)
1C	Amending provisions as to costs in Part II of The County Courts Act to avoid inconsistency with intent of this new legislation	January 12, 1972	An act to Amend The County Courts Act, S.M. 1972, c. 38

Report #	Title	Date	Implementation of Commission's Recommendations
	First Annual Report	March 13, 1972	(not applicable)
#8	Section 45 of the Offenses Against the Person Act, 1861	July 27, 1972	An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13
#9	A Review of The Privacy Act with proposed Amendments to the Criminal Code of Canada	September 11, 1972	(change not recommended)
#10	The Abolition of Interspousal Immunity in Tort	December 19, 1972	An Act to Amend The Married Women's Property Act, S.M. 1973, c. 12; An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13; An Act to Amend The Criminal Injuries Compensation Act, S.M. 1973, c. 23
2A	Comments on draft Bill to Amend The Jury Act	April 21, 1972	An Act to Amend The Jury Act, S.M. 1972, c. 56
2B	Relaxation of Limit of Number of Trustees under The Trustee Act	June 22, 1972	An Act to Amend The Trustee Act, S.M. 1972, c. 60
2C	Uniformity of Definition of Age as between The Age of Majority Act (Man.) And the Criminal Code and the Interpretation Act (Can.)	August 14, 1972	(not applicable for provincial amendment)
2D	Automatic Attachment of Wages for Maintenance Orders	November 27, 1972	An Act to Amend The Garnishment Act, S.M. 1974, c. 8
	Second Annual Report	March 20, 1973	(not applicable)
#11	The Advisability of a Good Samaritan Law	March 8, 1973	(change not recommended)
#12	Section 110 of The Real Property Act - the immortal Manitoba mortgage	April 11, 1973	An Act to Amend The Real Property Act, S.M. 1974, c. 44
#13	Pre-licensing Education for Real Estate Agents in Manitoba	December 3, 1973	An Act to Amend The Real Estate Brokers Act, S.M. 1975, c. 23
#14	Special Enduring Powers of Attorney	January 8, 1974	The Powers of Attorney Act, S.M. 1980, c. 4

Report #	Title	Date	Implementation of Commission's Recommendations
#15	Administration of Justice Part I - Control of Post-arrest/pre-trial detention	February 26, 1974	Administration of the Public Safety Building in Winnipeg assumed by the Province of Manitoba, effective October 1, 1977; now called The Winnipeg Remand Centre
3A	Conferring of matrimonial jurisdiction upon a County Court Judge as a local Judge of The Queen's Bench within the Eastern Judicial District	March 30, 1973	An Act to Amend The Queen's Bench Act, S.M. 1978, c. 28
3B	Correcting recent error in s. 51 of The Queen's Bench Act	September 26, 1973	An Act to Amend The Queen's Bench Act, S.M. 1974, c. 15
3C	Conferring jurisdiction to extend time for payment of fines upon provincial judges other than those who imposed such fines	October 16, 1973	(not applicable for provincial enactment)
3D	Up-dating index to Statutes of Manitoba	October 23, 1973	Indexing commenced; computer search of statutes available
3E	Repeal of Section 212 of The Liquor Control Act	December 19, 1973	Substantial acceptance under s. 16 of An Act to Amend The Liquor Control Act, S.M. 1974, c. 63
	Third Annual Report	April 1, 1974	(not applicable)
#16	Definition of Death	May 6, 1974	An Act to Amend The Vital Statistics Act, S.M. 1975, c. 5
#17	An International Form of Wills for Manitobans	May 6, 1974	An Act to Amend The Wills Act, S.M. 1975, c. 6
#18	The Rule in Saunders v. Vautier	January 8, 1975	An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38 (s. 4)
#19	The Administration of Justice in Manitoba Part II - Review of The Jury System	February 11, 1975	An Act to Amend The Jury Act, S.M. 1977, c. 18
4A	Interprovincial Subpoenas	January 27, 1975	The Interprovincial Subpoena Act, S.M. 1975, c. 3
4B	Enforcement of Custody Orders	January 27, 1975	The Extra-Provincial Custody Orders Enforcement Act, S.M. 1975, c. 4
4C	Statutory Sums	February 11, 1975	Various amendments to Manitoba statutes

Report #	Title	Date	Implementation of Commission's Recommendations
	Fourth Annual Report	April 9, 1975	(not applicable)
#20	The Highway Traffic Act	June 16, 1975	An Act to Amend The Highway Traffic Act, S.M. 1977, c. 34 An Act to Amend The Highway Traffic Act and The Tortfeasors and Contributory Negligence Act, S.M. 1980, c. 19
#21	The Administration of Justice in Manitoba Part III - Consolidation of Extra-Provincial Judgment Enforcement	January 28, 1976	-
#22	Some Aspects of Fire Insurance Legislation in Manitoba	February 9, 1976	An Act to Amend The Insurance Act, S.M. 1982, c. 11 (s. 1)
#23	Family Law - Part I The Support Obligation	February 27, 1976	The Family Maintenance Act, S.M. 1978, c. 25
#24	Family Law - Part II Property Disposition	February 27, 1976	An Act to Amend The Gift Tax Act (Manitoba) and The Succession Duty Act (Manitoba), S.M. 1977 (2nd Session), c. 2 The Marital Property Act, S.M. 1978, c. 24 An Act to Amend various Acts relating to Marital Property, S.M. 1978, c. 27 An Act to Amend The Wills Act, S.M. 1980, c. 7
5A	Limitation of Actions for the taking away, conversion or detention of chattels	May 26, 1975	An Act to Amend The Fatal Accidents Act and Limitation of Actions Act, S.M. 1976, c. 41 (ss. 2-4)
	Fifth Annual Report	March 29, 1976	(not applicable)
#25	The Case for a Provincial Bill of Rights	May 19, 1976	-
#26	Revision of Birth Certificates of Trans-sexual Persons	September 13, 1976	The Vital Statistics Act, S.M. 1982-83-84, c. 58
	Sixth Annual Report	March 14, 1977	(not applicable)

Report #	Title	Date	Implementation of Commission's Recommendations
7A	The Local Authorities Election Act	May 31, 1977	An Act to Amend The Local Authorities Election Act, S.M. 1980, c. 48
	Seventh Annual Report	March 1, 1978	(not applicable)
#27	Limitation of Actions: Time Extensions for Children, Disabled Persons and Others	January 8, 1979	An Act to Amend The Limitation of Actions Act, S.M. 1980, c. 28
#28	Enforcement of Judgments Part I: Exemptions under The Garnishment Act	January 8, 1979	An Act to Amend The Garnishment Act, S.M. 1979, c. 8
#29	Emergency Apprehension, Admissions and Rights of Patients under The Mental Health Act	February 12, 1979	An Act to Amend The Mental Health Act, S.M. 1980, c. 62
#30	Confidentiality of Adoption Records	February 12, 1979	An Act to Amend The Child Welfare Act, S.M. 1979, c. 22 (s. 60) An Act to Amend The Child Welfare Act, S.M. 1980, c. 41 Establishment of a Post-adoption Registry
8A	Section 5(1) of The Social Allowances Act	March 30, 1978	The Statute Law Amendment Act (1984), S.M. 1984, c. 17
	Eighth Annual Report	February 12, 1979	(not applicable)
#31	Political Financing and Election Expenses	August 13, 1979	The Elections Finances Act, S.M. 1980, c. 68
#32	Mechanics' Liens Legislation	August 13, 1979	The Builders' Liens Act, S.M. 1980-81, c. 7
#33	Enforcement of Revenue Statutes	August 13, 1979	The Charter Compliance Statute Amendment Act, S.M. 1985, c. 50
#34	Enforcement of Judgments Part III: Exemptions under The Executions Act	October 22, 1979	An Act to Amend The Executions Act, S.M. 1980, c. 55
#35	Estate Claims for Loss of Expectation of Life	October 22, 1979	An Act to Amend The Fatal Accidents Act and The Trustee Act, S.M. 1980, c. 5

Report #	Title	Date	Implementation of Commission's Recommendations
#36	Improved Methods of Enforcing Support Orders Against Real Property	November 19, 1979	The Family Law Amendment Act, S.M. 1980, c. 54
#37	Systems of Voter Registration	November 26, 1979	The Elections Act, S.M. 1980, c. 67
#38	The One Year Rule for Enforcement of Arrears in Maintenance	January 21, 1980	An Act to Amend The Family Maintenance Act and The Queen's Bench Act, S.M. 1980, c. 21
9A	The Fire Departments Arbitration Act	April 17, 1979	An Act to Amend The Fire Departments Arbitration Act, S.M. 1980, c. 27
9B	Section 7 of The Payment of Wages Act	August 15, 1979	An Act to Amend The Payment of Wages Act, S.M. 1980, c. 57
9C	The Seduction Act	October 22, 1979	The Equality of Status Act, S.M. 1982, c. 10
9D	Section 9 of The Manitoba Evidence Act	November 6, 1979	An Act to Amend The Manitoba Evidence Act, S.M. 1980, c. 26
9E	The Wills Act and Ademption	November 20, 1979	An Act to Amend The Wills Act, S.M. 1980, c. 7
9F	The term "illegitimate"	December 4, 1979	(change not recommended)
	Ninth Annual Report	February 25, 1980	(not applicable)
#39	Controverted Elections	April 21, 1980	The Elections Reform Act, S.M. 2006, c. 15 repealed The Controverted Elections Act and enacted The Elections Act, C.C.S.M. c. E30
#40	Enforcement of Judgments Part II: Exemptions under The Judgments Act	April 21, 1980	-
#41	The Statute of Frauds	August 11, 1980	An Act to repeal the Statute of Frauds, S.M. 1982-83-84, c. 34
#42	Occupiers' Liability	August 11, 1980	The Occupiers' Liability Act, S.M. 1982-83-84, c. 29; The Statute Law Amendment Act (1984), S.M. 1984, c. 17 (s. 28)
#43	The Wills Act and the Doctrine of Substantial Compliance	September 8, 1980	The Wills Act, S.M. 1982-83-84, c. 31

Report #	Title	Date	Implementation of Commission's Recommendations
#44	The General Register	September 22, 1980	The Real Property Act and Various Other Acts Amendments Act, S.M. 1987, c. 27
#45	Simplified Mortgage	December 15, 1980	(legislative amendment not required)
10A	Municipal Assessment of Personal Property	February 26, 1980	(referred to Special Committee)
10B	The Marriage Settlement Act	October 9, 1980	The Statute Law Amendment Act, S.M. 1980-81, c. 26 (s. 22)
	Tenth Annual Report	February 16, 1981	(not applicable)
#46	Conflict of Interest of Municipal Councillors	April 14, 1981	The Municipal Conflict of Interest Act, S.M. 1982-83-84, c. 44
#47	Prejudgment Compensation on Money Awards: Alternatives to Interest	January 4, 1982	The Judgment Interest and Discount Act, S.M. 1986, c. 39 (implemented in principle) (now contained in Part XIV of The Court of Queen's Bench Act)
#48	Prescriptive Easements and Profits-à-prendre	January 18, 1982	-
#49	The Rules Against Accumulations and Perpetuities	February 12, 1982	The Perpetuities and Accumulations Act, S.M. 1982-83-84, c. 43
#50	Investment Provisions under The Trustee Act	February 12, 1982	An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38
11A	Parents' Maintenance Legislation	March 3, 1981	The Parents' Maintenance Act, S.M. 1985-86, c. 47, s. 34
11B	Provincial Offences Procedures	June 29, 1981	An Act to Amend The Summary Convictions Act, S.M. 1982, c. 24
11C	The Remembrance Day Act	January 28, 1982	-
	Eleventh Annual Report	February 14, 1982	(not applicable)
#51	The Survivorship Act	September 7, 1982	The Survivorship Act, S.M. 1982-83-84, c. 28

Report #	Title	Date	Implementation of Commission's Recommendations
#52	Structure of the Courts, Part I: Amalgamation of the Court of Queen's Bench and the County Courts of Manitoba	October 25, 1982	An Act to Amend The Queen's Bench Act and to repeal The County Courts Act, The Surrogate Courts Act and The County Court Judges' Criminal Courts Act and to amend The Municipal Boundaries Act, S.M. 1982-83-84, c. 82 The Court of Queen's Bench Small Claims Practices Act, S.M. 1982-83-84, c. 83 The Court of Queen's Bench Surrogate Practice Act, S.M. 1982-83-84, c. 84 An Act to amend Various Acts of the Legislature to facilitate the Reorganization and Expansion of the Court of Queen's Bench, S.M. 1982-83-84, c. 85
#53	The Law of Domicile	December 1, 1982	The Domicile and Habitual Residence Act, S.M. 1982-83-84, c. 80
#54	Certificates of Lis Pendens	February 1, 1983	The Court of Queen's Bench Act, S.M. 1988-89, c. 4 (s. 58)
#55	Structure of the Courts, Part II: The Adjudication of Smaller Claims	March 7, 1983	The Statute Law Amendment Act (1985), S.M. 1985, c. 51
	Twelfth Annual Report	April 11, 1983	(not applicable)
#56	Medical Privilege	October 4, 1983	(privilege not recommended)
#57	Uniform Sale of Goods Act	November 1, 1983	-
	Thirteenth Annual Report	April 2, 1984	(not applicable)
#58	Administrative Law; Part I: Procedures of Provincial Government Agencies	June 29, 1984	(legislative amendment not required); implementation, in part, through governmental policy
#59	Breach of Promise to Marry	October 1, 1984	The Family Law Amendment Act, S.M. 1987, c. 21
14A	Jactitation of Marriage	October 5, 1984	The Family Law Amendment Act, S.M. 1987, c. 21

Report #	Title	Date	Implementation of Commission's Recommendations
#60	An Examination of The Dower Act	November 19, 1984	The Homesteads, Marital Property Amendment and Consequential Amendments Act, S.M. 1992, c. 46
#61	Intestate Succession	March 25, 1985	The Intestate Succession and Consequential Amendments Act, S.M. 1989-90, c. 43
	Fourteenth Annual Report	April 2, 1985	(not applicable)
#62	Small Projects 1) Section 6 of The Mercantile Law Amendment Act 2) The Rule in Shelley's Case 3) Permissive and Equitable Waste	October 7, 1985	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
#63	The Testators Family Maintenance Act	December 16, 1985	The Dependants Relief Act, S.M. 1989-90, c. 42
#64	The Married Women's Property Act and Related Matters	December 16, 1985	-
#65	Section 83 of The Queen's Bench Act	March 31, 1986	The Statute Law Amendment Act (1986), S.M. 1986-87, c. 19 (s. 12)
#66	The Human Tissue Act	March 31, 1986	The Human Tissue Act, S.M. 1987, c. 39; The Human Tissue Amendment Act, S.M. 1989-90, c. 28 An Act to Amend The Anatomy Act, S.M. 1987, c. 57
15A	Section 300 of The Liquor Control Act	June 17, 1985	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Fifteenth Annual Report	May 6, 1986	(not applicable)
#67	Sections 33 and 34 of The Wills Act	June 16, 1986	The Statute Law Amendment Act (1987), S.M. 1987-88, c. 66 (s. 25); The Wills Amendment Act, S.M. 1989-90, c. 44
#68	Periodic Payment of Damages	March 31, 1987	The Court of Queen's Bench and Consequential Amendments Act, S.M. 1993, c. 19

Report #	Title	Date	Implementation of Commission's Recommendations
#69	Administrative Law, Part II: Judicial Review of Administrative Action	March 31, 1987	-
	Sixteenth Annual Report	April 13, 1987	(not applicable)
17A	The Wages Recovery Act	September 9, 1987	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Seventeenth Annual Report	September 14, 1988	(not applicable)
#70	The Manitoba Law Reform Commission: A Framework for the Future	November 23, 1988	The Law Reform Commission Act, S.M. 1989-90, c. 25
#71	The Bulk Sales Act	December 21, 1988	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Eighteenth Annual Report	August 8, 1989	(not applicable)
#72	The Independence of Provincial Judges	June 28, 1989	The Provincial Court Amendment Act, S.M. 1989-90, c. 34; The Provincial Court Amendment Act, S.M. 1994, c. 14
	Nineteenth Annual Report	May 15, 1990	(not applicable)
#73	Statutory Designations and The Retirement Plan Beneficiaries Act	October 23, 1990	The Retirement Plan Beneficiaries Act, S.M. 1992, c. 31
20A	Limitation of Actions Brought by the Crown	September 27, 1990	-
20B	Replevin and the Need for Prior Possession	January 28, 1991	(change not recommended)
	Twentieth Annual Report	March 31, 1991	(not applicable)
#74	Self-Determination in Health Care (Living Wills and Health Care Proxies)	June 25, 1991	The Health Care Directives and Consequential Amendments Act, S.M. 1992, c. 33
#75	The Independence of Justices of the Peace and Magistrates	August 15, 1991	The Provincial Court Amendment Act (Justices of the Peace), S.M. 2005, c. 8
#76	Sterilization and Legal Incompetence	January 27, 1992	(change not recommended)
	Twenty-first Annual Report	March 31, 1992	(not applicable)
#77	Non-charitable Purpose Trusts	September 21, 1992	-

Report #	Title	Date	Implementation of Commission's Recommendations
#78	Tort Liability for Animals	November 23, 1992	The Animal Liability and Consequential Amendment Act, S.M. 1998, c. 8
#79	Ethical Investments by Trustees	January 25, 1993	The Trustee Amendment Act, S.M. 1995, c. 14
22A	Scope of Apportionment under The Tortfeasors and Contributory Negligence Act	June 22, 1992	-
22B	Section 23 of The Wills Act Revisited	December 14, 1992	The Wills Amendment Act, S.M. 1995, c. 12
	Twenty-second Annual Report	March 31, 1993	(not applicable)
#80	Privity of Contract	October 5, 1993	-
#81	Distress for Rent in Commercial Tenancies	January 4, 1994	-
#82	Pre-contractual Misstatements	March 7, 1994	-
#83	Enduring and Springing Powers of Attorney	March 29, 1994	The Powers of Attorney and Mental Health Amendment Act, S.M. 1996, c. 62
	Twenty-third Annual Report	March 31, 1994	(not applicable)
#84	Regulating Professions and Occupations	October 28, 1994	Partly implemented, in principle, by amendments to various Acts of the Legislature
#85	Arbitration	November 28, 1994	The Arbitration and Consequential Amendments Act, S.M. 1997, c. 4
#86	Covenants in Commercial Tenancies	March 28, 1995	-
24A	A Small Discrepancy between The Elections Act and The Local Authorities Election Act	April 26, 1994	Acts repealed and replaced by The Elections Reform Act, S.M. 2006, c. 15 and The Municipal Councils and School Boards Elections Act, S.M. 2005, c. 27.
24B	Lapsed Residual Gifts in Wills	May 16, 1994	(no longer required due to *Re Smith and McKay* (1994), 116 D.L.R. (4th) 308 (Man. C.A.))

Report #	Title	Date	Implementation of Commission's Recommendations
24C	Security for the Administration of Estates	October 6, 1994	-
	Twenty-fourth Annual Report	March 31, 1995	(not applicable)
#87	Interim Payment of Damages	June 6, 1995	-
#88	Reselling Unused Cemetery Plots	September 21, 1995	-
#89	The Trust Provisions in The Perpetuities and Accumulations Act	September 21, 1995	-
#90	Residential Exemptions from Judgment Execution	October 17, 1995	-
#91	Minors' Consent to Health Care	December 12, 1995	-
#92	Fundamental Breach and Frustration in Commercial Tenancies	January 23, 1996	-
#93	Animal Protection	February 13, 1996	The Animal Care Act, S.M. 1996, c.-69
	Twenty-fifth Annual Report	March 31, 1996	(not applicable)
#94	Confidentiality of Mediation Proceedings	April 23, 1996	-
#95	Commercial Tenancies: Miscellaneous Issues	July 29, 1996	-
#96	Special Constables	November 12, 1996	Implemented, in part, through administrative action of the Department of Justice's Law Enforcement Services
#97	Section 270 of The Highway Traffic Act	March 24, 1997	-
#98	Stalking	May 28, 1997	The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendment Act, S.M. 1998, c. 41
	Twenty-sixth Annual Report	June 30, 1997	(not applicable)
#99	Review of the Small Claims Court	March 17, 1998	The Court of Queen's Bench Small Claims Practices Amendment and Parental Responsibility Amendment Act, S.M. 1999, c. 22

Report #	Title	Date	Implementation of Commission's Recommendations
	Twenty-seventh Annual Report	March 31, 1998	(not applicable)
#100	Class Proceedings	January 1999	The Class Proceedings Act, S.M. 2001-2002, c. 14
	Twenty-eighth Annual Report	March 31, 1999	(not applicable)
#101	Trustee Investments: The Modern Portfolio Theory	June 1999	-
#102	Informal Assessment of Competence	September 1999	-
#103	Adult Protection and Elder Abuse	December 1999	-
	Twenty-ninth Annual Report	March 31, 2000	(not applicable)
#104	Compensation of Vaccine-Damaged Children	June 2000	-
#105	Assessment of Damages under *The Fatal Accidents Act* for the loss of Guidance, Care and Companionship	October 2000	The Fatal Accidents Amendment Act, S.M. 2001-2002, c. 13
#106	The Legislative Assembly and Conflict of Interest	December 2000	The Legislative Assembly and Executive Council Conflict of Interest Amendment (Conflict of Interest Commissioner) Act, S.M. 2001-2002, c. 49
	Thirtieth Annual Report	March 31, 2001	(not applicable)
#107	Good Faith and the Individual Contract of Employment	December 2001	-
	Thirty-first Annual Report	March 31, 2002	(not applicable)
#108	Wills and Succession Legislation	March 11, 2003	-
	Thirty-second Annual Report	March 31, 2003	(not applicable)
#109	Withholding or Withdrawing Life Sustaining Medical Treatment	December 18, 2003	Implemented, in part, through The College of Physicians and Surgeons of Manitoba's Statement on Withholding and Withdrawing Life-Sustaining Treatment, effective February 1, 2008

Report #	Title	Date	Implementation of Commission's Recommendations
	Thirty-third Annual Report	March 31, 2004	(not applicable)
#110	Substitute Consent to Health Care	October 26, 2004	-
	Thirty-fourth Annual Report	March 31, 2005	(not applicable)
#111	Costs Awards in Civil Litigation	September 13, 2005	-
#112	Review of The Garnishment Act	December 31, 2005	-
	Thirty-fifth Annual Report	March 31, 2006	(not applicable)
#113	Development Schemes	June 30, 2006	-
#114	Private Title Insurance	December 31, 2006	-
	Thirty-sixth Annual Report	March 31, 2007	(not applicable)
	Thirty-seventh Annual Report	March 31, 2008	(not applicable)